

U.S. Patent Application Serial No. 10/022,559  
Reply to Office Action dated July 14, 2005

**Amendments to the Drawings:**

The attached sheets of drawings include changes to FIGs. 2A to 2D and FIG. 4.

The drawings have only been modified to add reference numbers in accordance with the Examiner's request.

Attachment: Replacement Sheets

**Remarks:**

Applicants have read and considered the Office Action dated July 14, 2005 and the references cited therein. Claims 1, 25 and 49 have been amended. Claims 1-12, 14-36, 38-59 and 61-68 are pending. Claims 13, 37 and 60 have been cancelled without prejudice.

The drawings were objected to for not including reference numerals. New drawings are enclosed with such reference numerals added, as requested by the Examiner. The description of FIGs. 2A to 2D at pages 11 and 12 has been amended to include reference numerals therein. In addition, at page 4, lines 12 and 13, a superfluous comment has been removed from the text of the description. No new matter has been added.

Independent claims 1, 25 and 49 have been amended and clarify the invention. The fact that the signing of an electronic document according to the present invention is server-based has been emphasized. Ample support can be found for this modification in the description, for example at least at page 5, lines 20 to 22. Claims 1 and 25 have further been amended to include the subject matter of dependent claims 13 and 37, respectively. Claim 49 has been amended to include the subject matter substantially formerly recited in claim 60.

Applicants have taken note of the rejection of independent claims 1, 25 and 49 under 35 USC Section 102(e) as lacking novelty over Smithies. This rejection is however traversed for the following reasons.

Applicants assert that Smithies does not teach the user signing an electronic document in a web environment, this signing being server-based. Although Smithies does provide for the signing of electronic documents, all of the actions leading to this signing take place on the user's own computer system, which requires the user to install special software. In this respect, reference can be made to column 19, line 66 to column 20, line 33 of Smithies, which explains that the invention of Smithies can be implanted on computer systems of different types, and

gives example of the requirements of appropriate computer systems. By contrast, all the present invention operates on only a web browser to access the web environment.

It will be further noted that Smithies refers to a “client” application 12, as explained at column 12, lines 4-14:

*“The client application 12 is any application that functions to create (or retrieve from archive storage) a record of a document, transaction or statement, or executes processing to perform an event, to be signed or affirmed. Such applications include software, such as word processing programs (e.g., Word.TM., WordPerfect.TM. or Claris.TM.) or spreadsheet programs (e.g., Excel.TM., Lotus.TM., or QuattroPro.TM.) which have been customized to permit affirming parties to attach electronic signatures to and affirm the documents they create.”* (emphasis added)

Therefore, the system of Smithies not only includes special software, which needs to be installed on the user’s computer system, but also requires the customization of applications already on this system.

Claims 13, 37 and 60 (now incorporated in claims 1, 25 and 49) were rejected on the grounds that Smithies teaches the use of a transcript object. However, Applicants assert that the transcript object of Smithies does not allow the reconstruction of the signing of an electronic document as executed by the user, including a reconstruction of the presentation of a web-based representation of the document to the user.

The transcript object of Smithies is described as containing various information about the affirming party’s intent at the time of “signing” of an electronic document. This is for example summarized at column 13, lines 49-51:

*“Thus, a detailed record of the affirming party’s interaction with the system, including any error correction, will be recorded.”*

However, nowhere does Smithies mention that the transcript object contains data about the actual presentation of a web-based representation of the document to the user. As the transcript generator module of Smithies is controlling the presentation of the document to the user, there is no need for Smithies to record in the transcript object evidence of the manner in which this presentation was carried out. Smithies teaches away from the present invention as the recording of such information is unnecessary for a system where signing occurs locally.

By contrast, in the present invention, the document is presented from a web server to a user on a remote system and is viewed through a web browser or another web-enabled application capable of displaying web-based information. The problem in this environment is that the signing party's system does not directly control the document that is being presented, and the user cannot be assured that his signature, when captured on their own system, will be applied to the correct document on the web server. To address this problem, the process log of the present invention not only captures the actions taken in affirming the signer's intent with regard to the document, it also captures the presentation of the document to the user, that is, what the signer actually saw locally in his browser. This precise view of the document is preferably directly stored as part of the process log, which is then securely associated with the electronically signed document resulting from the transaction. The signer then has access to the signed document and can verify that it corresponds to the stored view of what he/she saw during the signing ceremony. Smithies never addresses this problem for the reason stated above.

Finally, Applicants further note that Smithies does not teach or suggest a secure association between the document and the stored process log. Smithies does not describe the association between his transcript object and the documents as being secure. The reference only describes the transcript object itself as secure, which is very different. Again, the secure association between the signed document and the process log is unnecessary as the locally occurring signing process does not create any uncertainties as to what document was actually viewed at the time of signing.

In summary, Smithies does not teach or suggest a method or system for applying a legally enforceable signature on an electronic document, where the signing is entirely server-based and occurs in a web environment. Applicants therefore assert that Smithies does not teach or even suggest all of the elements of independent claims 1, 25 and 49, respectively, and that they are therefore new and non-obvious over the cited prior art.

As all other claims are dependent on either one of these independent claims, Applicants assert that the rejections are overcome for the reasons stated above as well as others.

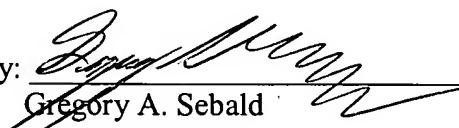
A speedy and favorable action on the merits is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: 1/17/06

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